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10/086,270

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Edward Moseley

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08/12/2005

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EXAMINER

ELAHEE, MD S

ART UNIT

PAPER NUMBER

2645

DATE MAILED: 08/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|-------------------------------|---------------------------------|--|
| Office Action Summary | Application No. 10/086,270 | Applicant(s) MOSELEY, EDWARD | |
| | Examiner Md S. Elahee | Art Unit 2645 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>08/13/02</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Objections

1. Claim 9 is objected to because of the following informalities: regarding claim 9, acronym 'OEM' used in the claim need to be spelled out. Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claim 10 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter i.e., an OEM distribution channel, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The original specification fails to explain as to how "a channel" becomes a distribution channel. One of ordinary skill in the art would not be able to establish the claimed "distribution channel" without undue experimentation.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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5. Claims 1-3, 5, 7, 8, 15, 16, 18, 19, 23 and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Mashinsky (U.S. Patent No. 5,694,464).

Regarding claim 1, Mashinsky teaches receiving a product support request from a customer (col.7, lines 23-27).

Mashinsky further teaches receiving a PIN or ID number [i.e., technical support identification (TSID)] from the customer (fig.4; col.7, lines 23-27).

Mashinsky further teaches validating the ID number (col.7, lines 23-27).

Mashinsky further teaches classifying the ID number into at least one of a plurality of classifications, wherein the plurality of classifications includes a contract classification (col.7, lines 23-33, 50-65). (Note: the subscribing company inherently has contract for a service with customer)

Mashinsky further teaches assigning at least one of a plurality of support levels to the classified ID number wherein the assigned support level corresponds to the ID number classification and wherein the ID number is received, validated, classified and the support level assigned before an agent is notified of the product support request (col.7, lines 23-33, 50-65, col.8, lines 17, 18).

Regarding claim 2, Mashinsky teaches receiving the TSID includes receiving the TSID via a telephone keypad entry (col.7, lines 8-10).

Regarding claim 3, Mashinsky teaches receiving at least one of a plurality of aspects of a unit from the customer (col.7, lines 23-33, 50-65).

Mashinsky further teaches retrieving the TSID from memory [i.e., at least one of a plurality of databases], wherein the retrieved TSID matches at least one of the plurality of

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aspects of the unit in the memory [i.e., at least one of the plurality of databases] (col.7, lines 23-33, 50-65).

Regarding claim 5, Mashinsky teaches that the TSID is numeric (col.7, lines 23-25).

Regarding claim 7, Mashinsky teaches classifying the TSID as an authorized [i.e., contract] TSID if the TSID identifies at least one of a group consisting of a target party [i.e., first support contract] (col.5, lines 61-63, col.6, lines 4-24, 41-45, col.7, lines 23-33, 50-65, col.8, lines 17, 18).

Mashinsky further teaches assigning at least one of a plurality of support levels to the classified TSID includes assigning an authorized support level to the contract TSID (fig.4; col.5, lines 61-63, col.6, lines 4-24, 41-45, col.7, lines 23-27).

Regarding claim 8, Mashinsky teaches retrieving at least one of a plurality of aspects of the customer's unit from at least one of a plurality of databases (col.7, lines 23-33, 50-65).

Regarding claim 15, Mashinsky teaches inherently enabling delivery of the assigned support level (col.7, lines 23-27, 50-65).

Regarding claim 16, Mashinsky teaches notifying a target party [i.e., agent] (col.7, lines 50-65, col.8, lines 17, 18).

Regarding claim 18 is rejected for the same reasons as discussed above with respect to claim 1. Furthermore, Mashinsky teaches a Remote control station [i.e., automated call distributor (ACD)], wherein the Remote control station provides access to a customer (fig.1; col.7, lines 23-25, 50-65).

Mashinsky further teaches a CPU [i.e., processor] (fig.1, item 30).

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Mashinsky further teaches a memory system coupled to the processor, wherein the memory system includes instructions executable by the processor (fig.1; col.4, lines 52-54, col.7, lines 23-27, 34-41).

Regarding claim 19, Mashinsky teaches the memory system further includes instructions executable by the processor to enable delivery of the assigned support level (fig.1; col.4, lines 52-54, col.7, lines 23-27, 34-41).

Regarding claim 23, Mashinsky teaches the access to the customer includes a telephone interface (fig.1).

Regarding claim 24 is rejected for the same reasons as discussed above with respect to claim 1. Furthermore, Mashinsky teaches that confirming the TSID includes a predetermined number of characters (col.5, lines 61-63, col.6, lines 4-24, col.7, lines 23-27).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

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8. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mashinsky (U.S. Patent No. 5,694,464) in view of Lawrence et al. (U.S. Patent No. 5,430,866).

Regarding claim 4, Mashinsky does not specifically teach “a unit serial number, a host system serial number, a unit source and a unit part number”. Lawrence teaches a unit serial number, a host system serial number, a unit source and a unit part number (fig. 1, 2; col.4, lines 34-41, col.5, lines 9-11). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Mashinsky to incorporate a unit serial number, a host system serial number, a unit source and a unit part number as taught by Lawrence. The motivation for the modification is to provide detail information about the device to a support team so that the customer can get technical assistance for a particular device.

9. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mashinsky (U.S. Patent No. 5,694,464) in view of Hughes et al. (U.S. Patent No. 4,535,204).

Regarding claim 6, Mashinsky teaches that confirming the TSID includes a predetermined number of characters (col.5, lines 61-63, col.6, lines 4-24, col.7, lines 23-27).

Mashinsky further teaches that confirming the TSID matches at least one TSID entry in at least one of a plurality of databases (fig.4; col.5, lines 61-63, col.6, lines 4-24, col.7, lines 23-27).

Mashinsky further teaches that confirming the TSID matches a predetermined format (col.5, lines 61-63, col.6, lines 4-24, col.7, lines 23-27).

Mashinsky does not specifically teach “confirming the TSID includes a correct checksum”. Hughes teaches confirming the TSID includes a correct checksum (fig.9; col.3, lines 62-64, col.13, lines 9, 10). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Mashinsky to confirm the TSID includes a correct checksum as taught by Hughes. The motivation for the modification is to have doing so in order to enable a check for a correct reading of a number.

10. Claims 9 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mashinsky (U.S. Patent No. 5,694,464).

Regarding claim 9, Mashinsky does not specifically teach “an end of life support level, a knowledge base support level, an email support level, an OEM support level and an illicit product support level”. However, Examiner takes Official Notice that an end of life support level, a knowledge base support level, an email support level, an OEM support level and an illicit product support level are well known in the art. Thus, it would have been obvious to one of ordinary skill in the art the time the invention was made to incorporate a plurality of support levels in order to handle incoming telephone calls so that the different types of need of customer is met efficiently.

Regarding claim 17, Mashinsky does not specifically teach “creating a new incident record, determining if there is an open incident record associated with the TSID, retrieving the open incident record if the open incident is associated with the TSID and outputting the new incident record and the open incident record to the agent”. However, Examiner takes Official Notice that creating a new incident record, determining if there is an open incident record associated with the TSID, retrieving the open incident record if

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the open incident is associated with the TSID and outputting the new incident record and the open incident record to the agent are well known in the art. Thus, it would have been obvious to one of ordinary skill in the art the time the invention was made to incorporate creating a new incident record, determining if there is an open incident record associated with the TSID, retrieving the open incident record if the open incident is associated with the TSID and outputting the new incident record and the open incident record to the agent in order to monitor the status of a problem associated with a product and provide extra care to resolve it.

11. Claims 10-14 and 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mashinsky (U.S. Patent No. 5,694,464) in view of Thomson et al. (U.S. Pub. No. 2003/0061104).

Regarding claim 10, Mashinsky does not specifically teach “classifying the TSID as an original equipment manufacturer (OEM) TSID if the TSID is associated with a unit having an OEM distribution channel in at least one of the plurality of databases”. Thomson teaches classifying the TSID as an original equipment manufacturer (OEM) TSID if the TSID is associated with a unit having an OEM distribution channel in at least one of the plurality of databases (abstract; fig.3A; page 2, paragraphs 0018-0021). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Mashinsky to classify the TSID as an original equipment manufacturer (OEM) TSID if the TSID is associated with a unit having an OEM distribution channel in at least one of the plurality of databases as taught by Thomson. The motivation for the modification is to have doing so in order to provide warranty information for a particular product.

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Regarding claim 11, Mashinsky does not specifically teach “classifying the OEM TSID as an illicit TSID if the customer obtained the unit from a source other than the OEM distribution channel”. Thomson teaches classifying the OEM TSID as a fraud [i.e., illicit] TSID if the customer obtained the unit from a source other than the OEM distribution channel (page 2, paragraph 0018, page 7, paragraph 0100). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Mashinsky to classify the OEM TSID as an illicit TSID if the customer obtained the unit from a source other than the OEM distribution channel as taught by Thomson. The motivation for the modification is to have doing so in order to detect whether warranty claim for a particular product is fraud.

Regarding claim 12, Mashinsky does not specifically teach “classifying the TSID as an illicit TSID if a unit corresponding to the TSID is identified as a counterfeit unit”. Thomson teaches classifying the TSID as a fraud [i.e., illicit] TSID if a unit corresponding to the TSID is identified as a counterfeit unit (abstract; fig.3A; page 2, paragraphs 0018-0020). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Mashinsky to classifying the TSID as an illicit TSID if a unit corresponding to the TSID is identified as a counterfeit unit as taught by Thomson. The motivation for the modification is to have doing so in order to prevent illegal use of warranty for a product.

Regarding claim 13 is rejected for the same reasons as discussed above with respect to claim 12. Mashinsky does not specifically teach “reporting the illicit TSID”. Thomson teaches reporting the fraud [i.e., illicit] TSID (page 2, paragraph 0018, page 7, paragraph 0100). (Note; reporting is inherent) Thus, it would have been obvious to one of

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ordinary skill in the art at the time the invention was made to modify Mashinsky to report the illicit TSID as taught by Thomson. The motivation for the modification is to have doing so in order to notify whether a particular product ID is illegal.

Regarding claim 14 is rejected for the same reasons as discussed above with respect to claims 1 and 3. Furthermore, Mashinsky does not specifically teach “the unit corresponds to the TSID”. Thomson teaches that the unit corresponds to the demographic [i.e., TSID] (page 2, paragraph 0018, page 7, paragraph 0100). (Note; reporting is inherent) Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Mashinsky to report the illicit TSID as taught by Thomson. The motivation for the modification is to have doing so in order to receive identification for a particular product.

Mashinsky in view of Thomson does not specifically teach “the customer's OS is one of the plurality of aspects of the unit”. However, Examiner takes Official Notice that the customer's OS being one of the plurality of aspects of the unit is well known in the art. Thus, it would have been obvious to one of ordinary skill in the art the time the invention was made to incorporate the customer's OS being one of the plurality of aspects of the unit in order to handle incoming telephone call regarding upgrading or any other troubleshooting of OS.

Regarding claim 20, Mashinsky does not specifically teach “the ACD includes a server”. Thomson teaches that the ACD includes a server (page 7, paragraphs 0093, 0094, 0097, 0098). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Mashinsky to have the ACD including a

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server as taught by Thomson. The motivation for the modification is to have doing so in order to handle request from a customer.

Regarding claim 21, Mashinsky does not specifically teach “the ACD includes access to a plurality of databases”. Thomson teaches that the ACD includes access to a plurality of databases (abstract; page 2, paragraph 0020). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Mashinsky to allow the ACD including access to a plurality of databases as taught by Thomson. The motivation for the modification is to have doing so in order to receive different types of information stored in different databases.

Regarding claim 22, Mashinsky does not specifically teach “an agent's desktop, wherein the agent's desktop is linked to the ACD”. Thomson teaches an agent's desktop, wherein the agent's desktop is linked to the ACD (fig.13; page 6, paragraph 0090, page 7, paragraph 0104). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Mashinsky to incorporate an agent's desktop, wherein the agent's desktop is linked to the ACD as taught by Thomson. The motivation for the modification is to have doing so in order to solve the customer's problem using internet access.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Zhang (U.S. Pub. No. 2001/0049263) teach AUTOMATIC STATION/SYSTEM CONFIGURATION MONITORING AND ERROR TRACKING SYSTEM AND SOFTWARE UPGRADE TOOL KIT.

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13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Md S. Elahee whose telephone number is (571) 272-7536. The examiner can normally be reached on Mon to Fri from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M.E.

MD SHAFIUL ALAM ELAHEE
August 5, 2005



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